

REMARKS

Claims 1-7 are pending in the present application.

Claim rejections 35 USC §112

The Examiner rejected claim 1 for failing to enable one skilled in the art to which it pertains to practice the invention. Applicant respectfully disagrees. The present invention is clearly related to automation systems. See in particular paragraph [0002] in the background of the invention section of the present specification. Thus, a person skilled in the art will be an engineer for automation systems. Every automation system comprises a computer based control system which in some way is coupled to at least one or in most cases to multiple industrial technical installations. Such an installation can be any type of actual manufacturing or assembly device such as a robotic unit, a molding cutter, any type of printing press, etc. Any automation system needs at least one type of such an industrial installation which is usually coupled with the control system through specifically designed input output units of the control system. Thus, figure 1 of the present specification sufficiently describes a minimal type of automation system. Contrary to the Examiner's opinion, such a system is sufficiently described in the present specification and a person skilled in the art will have no trouble understanding the term of an industrial technical installation within the context of an automation system. Therefore, Applicant respectfully requests the withdrawal of the 35 USC §112 rejection.

Claim rejections 35 USC §103

The Examiner rejected claims 1-7 under 35 U.S.C. 103(a) as being unpatentable over Gunderson in view of Dean. The Examiner stated that Gunderson discloses all the limitations of the pending claims. To this end, the Examiner interpreted an industrial technical installation as merely a PC base with a fixed or removable CD-ROM drive. Applicant respectfully disagrees. As discussed above, a person skilled in the art would never interpret a PC base with a CD-ROM drive as an industrial technical installation for an automation system. Applicant would like to point out that this invention is solely directed to automation systems and their specific problems, in particular, the problem of down time of the system in case of a failure.

Again, Applicant believes that this issue is thoroughly discussed in the background of the invention section of the present application.

The present application, thus, concerns an automation system which is capable of a fast and efficient recovery from any software related system failures. Such a system consists of an automation installation having an input and a output unit. These units are coupled via a bus with a personal computer system having a work drive and a back-up drive unit according to the present independent claim. Gunderson does neither disclose nor mention an automation system. Gunderson merely discloses a personal computer with a back-up function. The Examiner further cited Dean as disclosing a industrial technical installation. To this end, the Examiner again interprets the term "industrial technical installation" as including a network installation operation. Applicant respectfully disagrees for the same reasons as stated above. A network is simply not a industrial technical installation within the meaning of the automation system. However, the present application is particularly designed for automation systems and their specific needs and characteristics for handling programs and data. A person skilled in the art of automation systems would never come to the Examiner's conclusion. Therefore, neither Gunderson nor Dean are pertinent art with respect to automation systems.

Dependent claims 1-7 include all the limitations of the independent claim 1 and are therefore patentable at least to the extent of independent claim 1. However, these claims include further limitations not shown in any of the cited references. For example, claims 2-7 clearly distinguish between application programs and system programs and their respective associated data and where these programs and data is stored in the particular storage units. Gunderson does not anticipate these dependent claims.

CONCLUSION

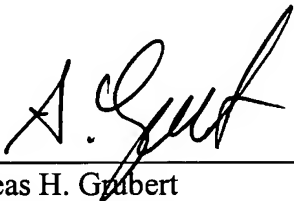
The application as defined in the pending claims is patentable under 35 U.S.C. §103 in view of the cited prior art. Therefore, applicants respectfully request withdrawal of the rejection and allowance of all pending claims.

Applicants do not believe that any other fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*) Order Number 071308.0263

Respectfully submitted,

BAKER BOTTS L.L.P.

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